



## Snohomish County Council

**Committee:** LJHS  
**ECAF:** 2023-0275  
**Proposal:** Motion 23-122

**Analyst:** Heidi Beazizo  
**Date:** March 21, 2023

### **Consideration**

The Executive's Office requests Council consider approving proposed Motion 23-122 to authorize an agreement with outside counsel for indigent services.

### **Background**

The [Sixth Amendment](#) of the United States Constitution states that the accused has the right to the assistance of counsel for their defense in criminal prosecutions. As not every defendant can afford an attorney, in 1989 Washington State implemented [Chapter 409 \(RCW 10.101\)](#) stating that "legal representation should be provided for indigent persons and persons who are indigent and able to contribute." This chapter also requires counties and cities to establish standards for the delivery of defense services to indigent defendants.

Since the enactment of [RCW 10.101](#), the County has contracted with outside attorneys for legal services to indigent defendants through the courts<sup>1</sup>, and then in 2000 under the Office of Public Defense upon its creation.<sup>2</sup> Today, the largest contract is with the Snohomish County Public Defender Association (PDA), who is the main provider of legal services to indigent defendants in the County. When PDA has a conflict of interest in a case, the case is deferred to one of the County's other contracts that specifically picks up cases where there is a conflict of interest between the defendant and the PDA.

### **Current Proposal**

*Scope:* Approval of Motion 23-122 authorizing an agreement with Laura Shaver for indigent services when there is a conflict with the Snohomish County Public Defender's Association.

*Duration:* January 1, 2023-December 31, 2023. Extensions allowed for up to two (2) additional one-year terms.

*Fiscal Implications:* Not-to-exceed amount of \$250,000. Hourly rates are set based on the court the case is filed in, and the type of case assigned (Misdemeanor, felony, miscellaneous, child dependency, no contact order, etc.) Rates are outlined in Schedule B – Compensation.

Time is reported and compensated in tenth-of-an-hour increments.

**2023 Budget:** YES

**Future Budget Impacts:** YES

**Handling:** URGENT

**Approved-as-to-form:** YES

**Risk Management:** YES

**Executive Recommendation:** APPROVE

**Request:** Move to GLS on March 29<sup>th</sup> for Council to consider taking action.

<sup>1</sup> Motion: 90-132; ECAF #: n/a; Leg. Title: Relating to "Conflicts Contracts" for Indigent Legal Services in Criminal Cases

<sup>2</sup> Ordinance: 00-072; ECAF #: 20001559; ECAF Title: Establish an Office of Public Defense